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Attorneys for Movant
MERCEDES-BENZ FINANCIAL SERVICES USA LLC

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

In re
2ND CHANCE INVESTMENT GROUP, LLC,
Debtor.

CASE NO. 8:22-bk-12142-SC

CHAPTER 11

**NOTICE OF MOTION AND MOTION TO
APPROVE STIPULATION BETWEEN
MERCEDES-BENZ FINANCIAL SERVICES
USA LLC AND DEBTOR 2ND CHANCE
INVESTMENT GROUP, LLC FOR RELIEF
FROM THE AUTOMATIC STAY**

[F.R.B.P. Rule 4001(d)(1); Local Rule 9013-
1(o)(1)]

[No Hearing Requested]

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY
COURT JUDGE, AND ALL PARTIES IN INTEREST:**

PLEASE TAKE NOTICE that Movant, MERCEDES-BENZ FINANCIAL SERVICES
USA LLC ("MBFS"), will and hereby does move this Court for an Order approving that certain
Stipulation for Relief from the Automatic Stay (the "Stipulation") entered into between MBFS and
Debtor 2ND CHANCE INVESTMENT GROUP, LLC ("Debtor"). A true and correct copy of the
Stipulation is attached to the Declaration of Randall P. Mroczynski in support hereof as Exhibit "A".
The original Stipulation and Order thereon will be filed upon expiration of the notice period

provided by Local Bankruptcy Rule 9013-1(o) unless opposition to the instant motion is timely filed.

This Motion is made pursuant to Federal Rule of Bankruptcy Procedure 4001(d) and Local Bankruptcy Rule 9013-1(o)(1), which provides that this motion may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that Local Bankruptcy Rule 9013-1(o) requires that any party objecting to this motion must file a response to this motion, with service upon Movant and the United States Trustee and request a hearing within fourteen (14) days after the date of service of this notice plus three (3) additional days if you were served by mail, electronically or pursuant to F.R.Civ.P. 5(b)(2)(D), (E) or (F). If you fail to comply with this deadline, the Court may treat such failure as a waiver of your right to oppose the motion and may grant the motion without further hearing and notice.

MOTION

This Motion is made upon the following grounds:

Pre-petition, Debtor entered into entered into two (2) Retail Installment Sale Contracts (the "Contracts") with MBFS for the purchase of:

1. One (1) 2021 Mercedes-Benz M2CA74, VIN W1W4DCHY6MT047575;
2. One (1) 2021 Mercedes-Benz M2CA74, VIN W1W4DCHY7MT046564; and
3. One (1) 2021 Mercedes-Benz M2CA76, VIN W1Y4ECHY4MT067750;

(Collectively referred to herein at times as the "Vehicles").

The Debtor does not dispute that the Contracts were assigned to MBFS by the selling dealer in the ordinary course of business and MBFS properly perfected its security interests in the Vehicles pre-petition by notation of its liens on the title certificates. The Debtor, in its business judgment, does not believe that the Vehicles are necessary to its reorganization and wishes to surrender possession of the Vehicles to MBFS.

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1 By the Stipulation, MBFS and Debtor mutually wish to provide for the termination of the
2 automatic stay as it pertains to the Vehicles.

3 WHEREFORE Movant respectfully requests the Court to approve the Stipulation, a true and
4 correct copy of which is attached to the Declaration of Randall P. Mroczynski as Exhibit "A".
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6 DATED: April 6, 2023

COOKSEY, TOOLEN, GAGE, DUFFY & WOOG

7
8
9 By: 

RANDALL P. MROCZYNSKI

Attorney for Movant

MERCEDES-BENZ FINANCIAL SERVICES USA
LLC

COOKSEY, TOOLEN, GAGE, DUFFY & WOOG
535 Anton Boulevard, Tenth Floor
Costa Mesa, California 92626-1977

DECLARATION OF RANDALL P. MROCZYNSKI

I, RANDALL P. MROCZYNSKI, hereby declare and state as follows:

1. I am an attorney at law duly licensed to practice before this Court and am a partner with the law firm of Cooksey Toolen Gage Duffy & Woog, attorneys of record for Movant MERCEDES-BENZ FINANCIAL SERVICES USA LLC.

2. I make the following Declaration based upon my own personal knowledge, and if called upon to do so, I could and would competently testify to the facts stated herein.

3. Attached hereto as Exhibit "A" is a true and correct copy of the Stipulation subject of this Motion.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and was executed this 6th day of April, 2023 at Costa Mesa, California.



RANDALL P. MROCZYNSKI

Exhibit “A”

RANDALL P. MROCYNSKI, ESQ. (STATE BAR NO. 156784)
rmroczynski@cookseylaw.com
COOKSEY, TOOLEN, GAGE, DUFFY & WOOG
A Professional Corporation
535 Anton Boulevard, Suite 1000
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Attorneys for Pre-Petition Secured Creditor
MERCEDES-BENZ FINANCIAL SERVICES USA LLC

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

In re
2ND CHANCE INVESTMENT GROUP, LLC,

Debtor.

Case No.: 8:22-bk-12142-SC

Chapter 11

**STIPULATION BETWEEN MERCEDES-
BENZ FINANCIAL SERVICES USA LLC
AND DEBTOR 2ND CHANCE
INVESTMENT GROUP, LLC FOR
RELIEF FROM THE AUTOMATIC
STAY**

Pre-Petition Secured Creditor, MERCEDES-BENZ FINANCIAL SERVICES USA LLC
("MBFS"), by and through its counsel of record herein, Cooksey, Toolen, Gage, Duffy & Woog,
P.C., by Randall P. Mroczynski, Esq. and 2ND CHANCE INVESTMENT GROUP, LLC ("Debtor")
by and through its counsel of record herein, Financial Relief Law Center, APC, by Andy C.
Warshaw, Esq. hereby submit the following stipulation.

RECITALS

A. Prior to the filing of this action, Debtor entered into two (2) Retail Installment Sale
Contracts (the "Contracts") for the purchase of two (2) 2021 Mercedes-Benz M2CA74 Vans having
the VINS W1W4DCHY6MT047575 and W1W4DCHY7MT046564 and one (1) 2021 Mercedes-

1 Benz M2CA76 Van having the VIN W1Y4ECHY4MT067750 (the "Vehicles"). The Contracts
2 were assigned to MBFS by the selling dealer in the ordinary course of business.

3 B. Pursuant to the Contracts, MBFS is the legal owner of record of the Vehicle. MBFS
4 properly perfected its interest in the Vehicles pre-petition by the notation of its lien interests on the
5 Vehicles' Certificates of Title.

6 C. The Contracts are in both pre-petition and post-petition default.

7 D. The Debtor, in its business judgment, does not believe that the Vehicles are necessary
8 to its reorganization.

9 E. Debtor wishes to surrender possession of the Vehicles to MBFS and Debtor filed a
10 Motion to Abandon the Vehicles on February 21, 2023 as docket number 55.

11 F. By this Stipulation, MBFS and Debtor mutually wish to provide for the termination of
12 the automatic stay as it pertains to the Vehicles.

13 **STIPULATION**

14 IT IS HEREBY STIPULATED based upon the above recitals which are incorporated herein
15 by this reference:

16 1. The Automatic Stay shall terminate as to the Debtor and Debtor's estate with respect
17 to the Vehicles so as to allow MBFS to enforce its remedies with respect to the Vehicles in
18 accordance with applicable non-bankruptcy law.

19 2. Debtor waives the provisions of F.R.B.P. 4001(a)(3) with respect to the foregoing.

20 3. The Order approving this Stipulation shall be binding and effective despite any
21 conversion of this case to a case under any other chapter of Title 11 of the United States Code.

22 4. Debtor's surrender of the Vehicles is without prejudice to MBFS asserting a pre-
23 petition unsecured claim for any deficiency incurred after liquidation of the Vehicles.

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3 5. Debtor consents to and will not oppose the granting of a motion for approval of this
4 Stipulation.

5 Dated: April 3, 2023

FINANCIAL RELIEF LAW CENTER, APC

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7 By: 

8 Andy C. Warshaw, Esq.

9 Attorney for Debtor

2ND CHANCE INVESTMENT GROUP, LLC

10 Dated: March 29, 2023

COOKSEY TOOLEN GAGE DUFFY & WOOG

11
12
13 By: 

14 Randall P. Mroczynski

15 Attorney for Pre-Petition Creditor

16 MERCEDES-BENZ FINANCIAL SERVICES
17 USA LLC
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

535 Anton Blvd., 10th Floor; Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF MOTION AND MOTION TO APPROVE STIPULATION BETWEEN MERCEDES-BENZ FINANCIAL SERVICES USA LLC AND DEBTOR 2ND CHANCE INVESTMENT GROUP, LLC FOR RELIEF FROM THE AUTOMATIC STAY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) April 6, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Andy C. Warshaw, Attorney for Debtor:	awarshaw@bwlawcenter.com
Rich L. Sturdevant, Attorney for Debtor:	rich@bwlawcenter.com
Amanda G. Billyard, Attorney for Debtor:	abillyard@bwlawcenter.com
U.S. Trustee (SA):	ustregion16.sa.ecf@usdoj.gov
Queenie K. Ng, Attorney for U.S. Trustee:	queenie.k.ng@usdoj.gov
Robert P. Goe, Attorney for Official Committee of Unsecured Creditor:	kmurphy@goeforlaw.com

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) April 6, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor:

2nd Chance Investment Group, LLC
600 W. Santa Ana Blvd.
PMB 5045
Santa Ana, CA 92701

Attorney for Debtor:

Andy C. Warshaw
Rich L. Sturdevant
Amanda G. Billyard
Financial Relief Law Center
1200 Main Street, Suite C
Irvine, CA 92614

U.S. Bankruptcy Judge:

Hon. Scott C. Clarkson
United States Bankruptcy Court
Central District of California
411 West Fourth Street, Suite 5130
Santa Ana, CA 92701-4593

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 6, 2023

Date

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Printed Name

Signature

ADDITIONAL SERVICE INFORMATION
In re: 2nd Chance Investment Group, LLC
Bankruptcy Case No.: 8:22-bk-12142-SC

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Fanny Zhang Wan, fwan@raslg.com
Douglas A. Plazak, dplazak@rhlaw.com
Arvind Nath Rawal, arawal@aisinfo.com
Jennifer C. Wong, bknotice@mccarthyholthus.com
Gary B. Rudolph, rudolph@sullivanhill.com
David M. Goodrich, dgoodrich@go2.law
Stephan M. Brown, ECF@thebklawoffice.com
Dane W. Exnowski, dane.exnowski@mccalla.com
Lazaro E. Fernandez, lef17@pacbell.net
Brandon J. Iskander, biskander@goeforlaw.com
Charity J. Manee, cmanee@goeforlaw.com

2. SERVED BY UNITED STATES MAIL:

List of Creditors Who Have the 20 Largest Unsecured Claims

Hiten Ram Bhakta & Sajjan Bhakta c/o Schorr Law 1901 Avenue of the Stars, Ste. 615 Los Angeles, CA 90067	Straten Lending c/o Schorr Law 1901 Avenue of the Stars, Ste. 615 Los Angeles, CA 90067	ASB Ventures LLC c/o Schorr Law 1901 Avenue of the Stars, Ste. 615 Los Angeles, CA 90067
Small Business Administration 10737 Gateway West, #300 El Paso, TX 79935	American Express P.O. Box 96001 Los Angeles, CA 90096-8000	American Express P.O. Box 96001 Los Angeles, CA 90096-8000
Home Depot Credit Services P.O. Box 9001010 Louisville, KY 40290	Staples Credit Plan Dept. 51 7892022301 Phoenix, AZ 85062	Aaron Zistman 18518 Dancy St. Rowland Heights, CA 91748
Jessie and Michelle Acosta 13337 Nellie Avenue Chino, CA 91710	David Guzman 14583 McKendree Avenue Chino, CA 91710	Felipe Gutierrez Jr. 13056 Sycamore Ave., Apt. B Chino, CA 91710
Lamar Advertising 449 East Park Center Circle South San Bernardino, CA 92408	Mercedes-Benz Financial Services P.O. Box 5260 Carol Stream, IL 60197-5209	Pramira Holdings, LLC 2552 Walnut Avenue, Ste. 200 Tustin, CA 92780
Merah, LLC 7026 Edinboro Street Chino, CA 91710	Midare, LLC 14583 McKendree Avenue Chino, CA 91710	Mercedes-Benz Financial Services P.O. Box 5209 Carol Stream, IL 60197-5209
Kiwi Corp Mina Bhakta 11353 Highdale Street Norwalk, CA 90650	Lowes Business Acct/GECRB P.O. Boc 530970 Atlanta, GA 30353	